

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Petra Cirpus, et al.

Application No.: 10/511621

Confirmation No.: Not Yet Assigned

Filed: October 19, 2004

Art Unit: N/A

For: METHOD FOR PRODUCING MULTIPLE
UNSATURATED FATTY ACIDS IN
PLANTS

Examiner: Not Yet Assigned

**TRANSMITTAL OF TRANSLATION OF INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants enclose herewith the Translation of the International Preliminary Examination Report.

Applicants believe no fee is due with this communication. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 12810-00043-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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per

Application No. (if known): 10/511621

Attorney Docket No.: 12810-00043-US

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Report rationalized in accordance with the statement by the EPO chairman published in OJ 11/2001)



Applicant's or agent's file reference 0093000064	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP03/04297	International filing date (day/month/year) 25/04/2003	Priority date (day/month/year) 29/04/2004
International Patent Classification (IPC) or national classification and IPC C12N15/82		
Applicant BASF PLANT SCIENCE GMBH et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 2 sheets including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement according to Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 26/09/2003	Date of completion of this report 10/11/2004
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+ 49-89) 2399-0, Tlx 523656 epmu d Fax: (+ 49-89) 2399-4465	Authorized officer YEATS S  Telephone No. (+49-89) 2399 2828

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**International application No. PCT/EP03/04297

I. Basis of the report

This report has been drawn up on the basis of the application documents as filed.

III. Non-establishment of opinion with regard to novelty, Inventive step and Industrial applicability

The question whether the claimed invention appears to be novel, to involve an inventive step and to be industrially applicable was not subject matter of an international preliminary examination for the non-searched claims (Article 17(2)(a) or (3) and Rule 66.1(e) PCT; see also International Search Report).

V. Reasoned statement under Rule 66.2(a)(II) with regard to novelty, Inventive step and industrial applicability

To the extent that the international preliminary examination has been carried out (see paragraph III), the following should be noted:

With regard to the documents cited in the International Search Report, it can be stated that the invention as it is characterized in at least some of the claims has every appearance of not satisfying the criteria stated in Article 33(1) PCT, that is to say that it may not be regarded as being novel and/or involving an inventive step (see International Search Report, in particular the documents marked X and/or Y and the corresponding claim numbers).